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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,314	04/17/2001	George Blossom	47004.000075	5331
21967 7590 06/05/2008 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER CHEUNG, MARY DA ZHI WANG	
			ART UNIT	PAPER NUMBER
			3694	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/835,314

Applicant(s)

BLOSSOM, GEORGE

Examiner

MARY CHEUNG

Art Unit

3694

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 42-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 42-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. This action is in response to the amendment filed on February 19, 2008. Claims 1-29 and 42-45 are pending and are examined. Claims 30-41 are canceled. Claims 1, 12, 18, 24, 29 and 42 are amended.

Response to Arguments

2. Applicant's arguments with respect to claims 1-29 and 42-45 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-12, 16-18, 22-29 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al., US 5,590,197 in view of Duroj, US 2002/0167890 A2, and in further view of Goldstein et al., US 6,957,334 B1.

As to claim 1, Chen teaches a system for facilitating computerized transactions, the system comprising (Fig. 1):

- an encoded personal information carrier, the carrier comprising a card readable in an input/output device, the card comprising encoded personal information related to a user, the personal information including an account number (column 4 line 63 – column 5 line 34 and column 6 lines 12-32);

- a processing device comprising an input/output device for reading the encoded card, and a processor including browsing tools for allowing a user to view and select items associated with at least one merchant and transaction tools for allowing a user to complete a transaction with at least one merchant (column 4 lines 14-21, 46-50 and column 4 line 63 – column 5 line 5 and column 6 lines 12-32).

Chen does not explicitly teach the encoded personal information carrier is an optical carrier, and the input/output device is an optical input/output device. However, Duroj teaches the matter (¶ 1-3, 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the carrier in Chen's teaching to be an optical carrier, and the input/output device to be an optical input/output device as taught by Duroj for storing information using alternative technology.

Chen modified by Duroj does not specifically teach the user is granted access to the at least one merchant after the user is authenticated. However, Goldstein teaches the user is granted access to the merchant after the user is authenticated (column 5 lines 45-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the processor in the teaching of Chen modified by Duroj to include the feature of granting user access to the merchant after the user is authenticated for better securing transactions.

As to claim 4, Chen teaches the processing device further comprises network interface tools for interfacing the processing device with a plurality of product and service providers over a network (Fig. 1).

As to claim 5, Chen teaches means for accessing a database to verify credit information (column 4 lines 63-66 and column 6 lines 51-57).

As to claim 6, Chen modified by Duroj teaches the carrier further comprises optically encoded security information (Chen: column 6 lines 12-27 and see claim 1 above).

As to claim 7, Chen teaches the processing device comprises security tools for processing the security information (column 6 lines 28-57 and Fig. 1).

As to claim 8, Chen teaches the processing device comprises a product or service providers' point of sale terminal (column 4 lines 14-21 and column 6 lines 12-57 and Fig. 1).

As to claim 9, Chen teaches the processing device comprises a personal computer, a PDA, cell phone, or similar personal computing or communication device (column 4 lines 1-7 and Fig. 1).

As to claims 10 and 28, Chen modified by Duroj teaches a securing mechanism on a side of the card in contact with the optical input/output device, the securing mechanism for securing the card in the optical input/output device (Chen: column 5 lines 20-34 and column 6 lines 21-27 and see claim 1 above).

As to claims 11 and 29, Chen modified by Duroj teaches an intermediate support assembly for supporting the card within the optical input/output device, the intermediate support assembly having a securing mechanism for attachment with the optical input/output device (Chen: column 5 lines 30-34 and column 6 lines 25-27 and see claim 1 above).

As to claims 12 and 18, Chen teaches an optically encoded personal information carrier comprising (column 6 lines 12-19):

- a) a card readable in an input/output device (column 5 lines 30-34 and column 6 lines 25-27);
- b) encoded information on the card, the encoded information comprising personal information including an account number, installation and/or execution software, security software, browsing tools, and transaction tools for allowing the user to complete a transaction (column 4 lines 14-21, 46-50 and column 4 line 63 – column 5 line 34 and column 6 lines 12-32),
- c) wherein when inserted into the input/output device, a processing unit associated with the input/output device implements the installation and/or execution software, security software, browsing tools for browsing the goods or services at least one merchant and the transaction tools (column 4 lines 14-21, 46-50 and column 4 line 63 – column 5 line 34 and column 6 lines 12-57).

Chen does not explicitly teach the encoded information on the card is optically encoded, and the input/output device is an optical input/output device. However, Duroj teaches the matter (§ 1-3, 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the information encoded the card in Chen's teaching to be optically encoded, and the input/output device to be an optical input/output device as taught by Duroj for storing information using alternative technology.

Chen does not specifically teach the card comprising a plate and a hub around the axis of rotation of the card. However, Duroj teaches a storage card comprising a plate and a hub around the axis of rotation of the card (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the card in Chen's teaching to be modified so that the card comprises a plate and hub around the axis of rotation of the card for providing variety types of card better suit the customers' needs.

Chen modified by Duroj does not specifically teach the user is granted access to the at least one merchant after the user is authenticated. However, Goldstein teaches the user is granted access to the merchant after the user is authenticated (column 5 lines 45-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the processor in the teaching of Chen modified by Duroj to include the feature of granting user access to the merchant after the user is authenticated for better securing transactions.

As to claims 16 and 22, Chen modified by Duroj teaches a securing mechanism on a side of the card in contact with the optical input/output device, the securing mechanism for securing the card in the optical input/output device (Chen: column 5 lines 20-34 and column 6 lines 21-27 and see claim 1 above).

As to claims 17 and 23, Chen modified by Duroj teaches an intermediate support assembly for supporting the card within the optical input/output device, the intermediate support assembly having a securing mechanism for attachment with the optical

input/output device (column 5 lines 30-34 and column 6 lines 25-27 and see claim 1 above).

As to claim 24, Chen teaches an encoded information carrier comprising (column 6 lines 12-19):

- a) a card readable in a processing device (column 5 lines 30-34);
- b) encoded information on the card comprising installation and/or execution software, security software, and browsing tools and/or transaction tools (column 4 line 63 – column 5 line 34 and column 6 lines 12-32);
- c) wherein when inserted into the processing device, the installation and/or execution software, security software, and browsing tools and/or transaction tools are implemented to process a transaction with at least one merchant upon receipt of required personal information including at least one of an account number and security information (column 4 line 63 – column 5 line 34 and column 6 lines 12-32).

Chen does not explicitly teach the encoded information carrier is an optically encoded information carrier, and the encoded information on the card is optically encoded. However, Duroj teaches the matter (¶ 1-3, 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the carrier in Chen's teaching to be an optical carrier, and the encoded information on the card to be optically encoded as taught by Duroj for storing information using alternative technology.

Chen modified by Duroj does not specifically teach the user is granted access to the at least one merchant after the user is authenticated. However, Goldstein teaches the user is granted access to the merchant after the user is authenticated (column 5 lines 45-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the processor in the teaching of Chen modified by Duroj to include the feature of granting user access to the merchant after the user is authenticated for better securing transactions.

As to claim 25, Chen modified by Duroj teaches at least some of the personal information is stored on the optically encoded card in an alternative location (Chen: column 4 lines 63-66 and column 6 lines 51-57 and see claim 24 above).

As to claim 26, Chen teaches the alternative location comprises at least one of a magnetic stripe and a smart chip (column 4 line 63 – column 5 line 34).

As to claim 27, Chen teaches at least some of the personal information is input by a user (column 4 line 63 – column 5 line 11).

Claims 42-45 are in parallel with claims 12 and 16-17; thus, they are rejected on the same basis.

5. Claims 2-3, 13-15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al., US 5,590,197 in view of Duroj, US 2002/0167890 A2 and Goldstein et al., US 6,957,334 B1, in further view of Hoguta et al., US 6,725,303 B1.

As to claims 2-3, 13-14 and 19-20, Chen teaches the personal information comprises whatever information is needed by the account server to authorize a transaction, and any other information which might be needed during the payment and

authentication process (column 5 lines 42-44 and column 6 lines 13-19). Chen modified by Duroj and Goldstein does not explicitly teach the personal information comprises credit account number, billing information and shipping information. However, Hoguta teaches a card carrier stores user profile on it, and the user profile comprises credit account number, billing information and shipping information (column 3 lines 1-5, 16-20 and column 13 lines 10-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the personal information in the teachings of Chen modified by Duroj and Goldstein to include credit account number, billing information and shipping information as taught by Hoguta for quickly complete the transaction process.

As to claims 15 and 21, Chen teaches the personal information further comprises optically encoded security information (column 6 lines 28-57 and Fig. 1).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

- | | |
|----------------|-------------------------------------------------------------------------------------|
| (571) 273-8300 | (Official Communications; including After Final
Communications labeled "BOX AF") |
| (571) 273-6705 | (Draft Communications) |

/Mary Cheung/
Primary Examiner, Art Unit 3694
June 3, 2008